

REMARKS

In response to the Non-Final Office Action mailed December 24, 2008, Applicants respectfully request reconsideration of the claims in light of the arguments and amendments submitted herein.

Claims 1-36 are pending in the application. Claims 10-36 are withdrawn from consideration. Claims 1-9 are rejected. By way of this response, claims 1 and 9 have been amended. Support for the amendments can be found throughout the specification and claims as filed, for example on page 17 of the specification. The amendments provided herein do not constitute new matter.

Cancellation of any subject matter herein does not constitute an admission that the subject matter is unpatentable for any reason and Applicants reserve the right to file claims directed to the cancelled subject matter in a continuation application.

I. Specification

Applicants have amended the specification to specifically reference the priority claims listed on the Filing Receipt, *i.e.*, PCT/US/04/21895 and US 60/486,866. Withdrawal of the objection to the Specification as filed is, therefore, respectfully requested.

II. Claim Objections

Claims 1-9 were objected to because of the use of the acronyms RSP, SER, CARS, and SERRS. As suggested by the Examiner, Applicants have amended the claims to include the terms these acronyms are referencing the first time the acronym is used in a claim. Thus, withdrawal of this claim objection is respectfully requested.

III. Rejection under 35 U.S.C. § 102

Claims 1-9 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Vo-Dinh (U.S. Patent No. 6, 174, 677). Specifically, the Examiner states that Vo-Dinh discloses that a

“SER label is attached to a target and the Raman probe is measured to determine/evaluate the analyte of interest.” Office Action at p. 5.

Applicants respectfully disagree and assert that the disclosure in Vo-Dinh does not teach or suggest the method claimed in the present application. In contrast to the method disclosed in Vo-Dinh, Applicants do not use a SER label. Rather, Applicants claim the direct detection of a compound or peptide that recognizes and binds to the target. As opposed to a SER label, which is attached via a linker to the target, the compound that is detected using the method claimed in the instant application recognizes a protein or pocket within the target.

For at least these reasons, Applicants respectfully assert that the pending claims are not anticipated by Vo-Dinh. Thus, withdrawal of this rejection is respectfully requested.

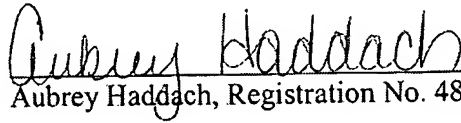
CONCLUSION

Applicants believe that, for the reasons explained above, the application is in condition for allowance and such action is respectfully requested. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (858) 350-2319.

Respectfully submitted,

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By:



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